

**JULY 18, 1994**

**INSPECTOR GENERAL REGULATION 5545.1**

**Participation In Congressional Activities**

**FOREWORD**

This regulation has been revised to update policy, instructions and responsibilities for the participation of the OIG staff in congressional activities.

The policy of the Inspector General is to cooperate with the Members of Congress and their staff to the fullest extent possible in accordance with the Inspector General Act of 1978, as amended, the needs and requirements of the Department of Defense, and the Office of the Inspector General.

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**INSPECTOR GENERAL, DEPARTMENT OF DEFENSE**

**PARTICIPATION IN CONGRESSIONAL ACTIVITIES**

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## CHAPTER 1

### GENERAL

1.1. **Purpose**. Updates the Office of the Inspector General, Department of Defense (OIG), policy and procedures for receiving, responding to and monitoring the status of congressional correspondence, arranging and attending meetings with Members of Congress and staff, preparing for and attending hearings before Congress, and receiving and commenting on proposed legislation.

1.2. **Cancellation**. IGDR 5545.1, January 1991.

1.3. **Applicability**. This regulation applies to all personnel within the OIG.

1.4. **Policy**. The Office of the Inspector General will cooperate fully with the Congress in accordance with the Inspector General Act of 1978, as amended. The Office of Congressional Liaison (OCL) is the OIG focal point for congressional relations.

1.5. **Responsibilities**

a. The Inspector General provides policy direction regarding relations with the Legislative Branch.

b. The Executive Assistant to the Inspector General is responsible for overseeing implementation of the policy direction.

c. The Director and staff of OCL implement policy direction and provide advice and report to the Executive Assistant. The Director supervises the staff of OCL to help ensure the implementation of established policies and procedures in dealing with the Congress.

d. The OCL receives and tracks incoming congressional correspondence and other inquiries; arranges and summarizes congressional meetings involving the OIG; alerts the OIG to pending legislation and ensures comments are provided, as appropriate; and provides the OIG with pre- and post-hearing support, such as clarifying with congressional staff the key issues to be addressed at hearings, obtaining security reviews of proposed OIG testimony, distributing statements to appropriate DoD and congressional officials, and ensuring transcripts of OIG testimony are edited in a timely manner.

e. The Offices of the Assistant Inspectors General and the Office of Deputy General Counsel (Inspector General) (hereafter referred to as OIG elements) are responsible for carrying out the policy and procedures contained in this regulation.

1.6. **Effective Date and Implementation**. This regulation is effective immediately.

## **CHAPTER 2**

### **RECEIVING, RESPONDING TO AND TRACKING THE STATUS OF CONGRESSIONAL CORRESPONDENCE**

2.1. **Purpose**. Establishes procedures for the receipt of, response to and tracking the status of congressional correspondence.

2.2. **Policy**. The Office of the Inspector General will be responsive to correspondence from Members of Congress and implement actions as appropriate.

2.3. **Responsibilities**

a. The Inspector General or the Deputy Inspector General reviews congressional correspondence, provides policy guidance and/or specific guidance on a particular case and signs all OIG responses.

b. The Executive Assistant to the Inspector General oversees implementation of the guidance, reviews all congressional correspondence, tasks action to the Office of Congressional Liaison (OCL), identifies the OIG element responsible for responding, and reviews all proposed responses.

c. The Director and staff of the OCL ensure that congressional correspondence is received by an OIG element for action, track the status to ensure timely acknowledgment and interim responses until a final response is issued, and help review responses to determine if the issues raised are addressed. In determining action required by OIG elements, the OCL will, as appropriate, obtain additional information from congressional staff, involved OIG elements, DoD components and others, as needed.

d. The OIG elements that receive congressional correspondence directly from congressional staff or Members will forward the correspondence to the Inspector General for review. The OIG elements will take the necessary actions to prepare complete and accurate interim status and final responses to congressional correspondence, in accordance with the policy and procedures of this regulation. The OIG elements are responsible for timely resolution of comments raised by the Executive Assistant, the OCL and other coordinating OIG elements. The OIG elements are responsible for the proper security classification of responses and enclosures and for appropriate Privacy Act and For Official Use Only markings and warnings.

2.4. **Receipt of Correspondence and Preparation of Acknowledgment Letters**

a. After receipt of congressional correspondence from the OCL, OIG elements will notify the OCL within 2 working days whether the action is accepted.

b. If action is accepted, the OIG element will notify the OCL, in writing or through E-mail, if an acknowledgment letter to the requester should be prepared by the OCL.

c. If action is not accepted, the OIG element will so notify the OCL, in writing or through E-mail. The OCL will work with OIG elements to implement an alternative disposition.

## 2.5. **Interim and Final Response Preparation**

a. Members of Congress are provided interim responses that contain the status of the audit, investigation, inspection or other action(s) initiated as a result of the Member's congressional request.

b. Interim responses should provide as much information as possible within the guidelines of the Freedom of Information Act and the Privacy Act. Succeeding interim status letters should provide additional actions taken. In addition, actions previously reported should be restated to help summarize the current, complete status of actions taken on the case.

c. The OIG element preparing a final response or a substantive interim response will obtain the coordinations of other OIG elements and the Deputy General Counsel for the Inspector General, as appropriate. The OCL will obtain the coordination of the Assistant Secretary of Defense (Legislative Affairs) (ASD(LA)) or other DoD components as appropriate. The last coordinating office is the OCL, which will forward the package to the Inspector General for signature.

d. The OIG elements will forward interim/final responses to the Inspector General for signature with the following:

(1) Transmittal memorandum briefly summarizing the action and requesting signature of the Inspector General.

(2) Proposed response to the Member of Congress.

(3) Enclosures, if applicable, which may include administrative reports of investigation, audit or inspection reports, or the memorandum transferring action to another DoD element.

(4) Tab marked "COORDINATION" that will contain:

(a) Original ASD(LA) coordination (obtained by OCL).

(b) Other coordinations within the OIG, including the Office of the Deputy General Counsel, as appropriate (obtained by OIG element preparing the response).

(5) Tab marked "INCOMING" that will contain:

(a) Original incoming congressional letter and enclosures, if applicable.

(b) OSD Tasking Sheet (SD Form 14), if applicable.

(c) Inspector General routing slip and instructions, if any.

(d) OCL routing sheet.

(6) Tab marked "PREVIOUS RESPONSES" containing the acknowledgment and all interim responses.

(7) Tab marked "BACKUP" that will contain:

(a) Referral/transfer memorandum, if applicable.

(b) Case status summary of office preparing response, AIG-INV or AIG-DI report of investigation, or case status summary received from other OIG elements or DoD components.

(c) Pertinent E-mails on latest case status and latest actions.

(8) File copy for the OIG and comeback copy for the originating office.

e. After signature by the Inspector General or the Deputy Inspector General, the correspondence will be returned to the originating office for dispatch.

f. The originating office will provide a copy of the signed correspondence to the OCL for tracking purposes.

## 2.6. **Tracking the Status of Congressional Correspondence**

a. The OCL will maintain (1) a computerized congressional correspondence tracking system and (2) a documentary file on correspondence received.

b. The OCL will establish suspense dates based on the date an acknowledgment letter or interim status letter is signed.

(1) For the OAIG-INV, suspense dates will be the 120th day following the date of an acknowledgment letter and each succeeding interim status letter.

(2) For all other OIG elements, suspense dates will be the 90th day following the date of an acknowledgment letter and each succeeding interim status letter.

(3) If a final response can be prepared sooner than the suspense date established by (1) or (2), above, the OIG element should be proactive and prepare the final response rather than waiting for the suspense date to arrive.

c. Each Thursday, the OCL will distribute to the AIGs two listings of congressional inquiries for update. One is a listing of congressional inquiries with upcoming suspense dates that are due within 1 month (this serves to provide OIG elements advance notice of upcoming response due dates). The other is a listing of congressional inquiries with overdue suspense dates.

(1) For upcoming suspense dates: if the suspense date will not be met, the OIG element will so annotate the listing and return it along with the reasons for extending the suspense date, to the OCL by the first business day of the following week.

(2) For overdue suspense dates: the OIG elements will revise the suspense dates to show when a response can be expected, along with reasons for revising the suspense dates.

d. Each Tuesday, the OCL will provide the updated suspense date listings to the Inspector General.

### **CHAPTER 3**

#### **ARRANGING, ATTENDING AND REPORTING ON CONGRESSIONAL MEETINGS**

3.1. **Purpose.** Establishes policy and procedures for arranging, attending and reporting on meetings with congressional members or staff.

3.2. **Policy.** The Office of the Inspector General will cooperate with congressional requests for meetings with OIG personnel as appropriate.

3.3. **Responsibilities.** The Director of the Office of Congressional Liaison (OCL) advises the Inspector General, the Deputy Inspector General and the Executive Assistant of all congressional requests for meetings and will report on the issues, questions, problems, etc., raised by congressional staff. The OIG elements will coordinate congressional contacts and meetings with the OCL in accordance with this regulation.

#### **3.4. Arranging Meetings**

a. The OCL serves as the central point of contact for (1) requests from congressional offices to meet with OIG personnel and (2) requests by OIG personnel to meet with congressional offices.

b. Concerning requests from congressional staff to the OCL, the OCL will coordinate with the appropriate OIG elements and the congressional office involved to clarify the nature and purpose of the meeting (including level of classification) and to arrange and confirm the date, time and place for the meeting, as well as the participants.

c. Concerning OIG personnel seeking to meet with congressional members or staff, OIG personnel will contact the OCL regarding the subject to be discussed, the need for the meeting and proposed OIG attendees. The OCL will arrange requested congressional meetings, as appropriate.

d. Congressional requests for meetings received directly by OIG personnel will be forwarded to the OCL for coordination and further action.

#### **3.5. Attending Meetings**

a. The OCL will provide a representative to attend meetings between OIG personnel and Members of Congress and their staff.

b. The OCL is responsible for providing administrative assistance to OIG staff, including background information as supplied by the congressional staff or from congressional reports, bills or hearings.

c. The OCL will ensure that congressional staff are provided copies of published OIG reports pertinent to the subject under discussion in advance of the meeting.

### 3.6. **Reporting on Congressional Meetings**

a. The OCL representative will prepare a Memorandum for the Record and provide copies to the Inspector General, the Deputy Inspector General, the Executive Assistant and the appropriate Assistant Inspectors General. The memorandum will include the following:

- (1) Attendees.
- (2) Discussion summary and issues raised.
- (3) Areas of disagreement.
- (4) Unanswered questions.
- (5) Additional information/action requested.
- (6) Whether the meeting accomplished its purpose.

b. The OCL is responsible for ensuring that any follow-up requests for additional information or action by the OIG are addressed.

## CHAPTER 4

### PREPARING, ATTENDING AND FOLLOWING UP ON CONGRESSIONAL HEARINGS

4.1. **Purpose.** Establishes policy, responsibilities and procedures for preparing, attending and following up on hearings before congressional committees.

4.2. **Policy.** The Office of Inspector General will fully cooperate with congressional requests for testimony, as appropriate.

#### 4.3. **Responsibilities**

a. The OIG elements are responsible for preparing congressional statements and backup material as designated by the Inspector General. The Inspector General will also designate the witness(es) who will represent the OIG at the hearings.

b. The Director and staff of the Office of Congressional Liaison (OCL) are responsible for working with congressional staff, the Executive Assistant and OIG elements to prepare the OIG witness(es) for participation in congressional hearings.

c. The lead OIG element preparing the statement is responsible for ensuring (1) factual accuracy and (2) coordination with the OCL and other appropriate OIG elements, including the Deputy General Counsel (Inspector General). The OIG elements, including the Deputy General Counsel (Inspector General), will provide coordination within 24 hours.

d. The lead OIG element preparing the statement is responsible for preparing the backup material in duplicate. The backup material will be assembled in binders as needed with an index listing the contents. The first item in the first binder will be the statement for the hearing. That statement will be referenced to show where the supporting information is located in the backup material. In those cases when the OIG witness suggests amendments to the law or to a pending bill, the office preparing the statement is responsible for (1) providing the proposed legislative language to implement the suggestion, (2) coordinating the proposed statement with the Deputy General Counsel (Inspector General) and with other DoD offices as appropriate, and (3) including the language with the backup material.

4.4. **Timeframes for Actions on Statement.** To allow adequate time for review and comments by the Inspector General, and for required coordination, the lead OIG element preparing the statement is to normally follow the schedule below unless a deviation is approved by the Inspector General:

a. **Five Working Days Before Date of Hearing.** Provide the statement and backup material to the Inspector General for review and comment--prior coordination with other OIG elements, including the Deputy General Counsel (Inspector General), will be completed before providing the statement to the Inspector General. Uncoordinated drafts are not to be provided unless requested. If uncoordinated, the office forwarding the statement is to provide a note alerting the Inspector General that the draft will be coordinated with appropriate OIG elements and the Deputy General Counsel (Inspector General). Subsequent to providing the statement for

review and comment, the lead OIG element will schedule a preparation meeting with the Inspector General and other OIG elements to discuss proposed additions and deletions to the statement resulting from review of the statement.

b. Four Working Days Before Date of Hearing. Provide the statement to the OCL for coordination with the Office of the Assistant to the Secretary of Defense for Public Affairs (ATSD(PA)), Office of the Assistant Secretary of Defense (Legislative Affairs) (ASD(LA)), and, as required, other offices within the DoD and the Office of Management and Budget (OMB).

c. Three Working Days Before Date of Hearing. Provide the statement to the OCL for reproduction and subsequent distribution to the committee(s) (committees usually request 25 copies of the prepared statement no later than 2 days prior to the hearing and 100 copies on the day of the hearing).

#### 4.5. **Conduct of the Hearing**

a. Attendance at the Hearing. The OCL will provide a representative to attend the hearing and provide administrative assistance to the OIG witness. The OCL will also obtain copies of statements of the other witnesses, noting the general theme of the testimony of other witnesses and questions from the committee members, and identifying additional material that the OIG witness has agreed to provide for the record.

b. Report on the Hearing. As soon after the hearing as possible, the OCL representative will provide the appropriate OIG elements with a list of additional material agreed to be provided and questions for the record.

c. Memorandum of the Hearing. The OCL representative at the hearing will prepare a Memorandum for the Record summarizing the hearing. Copies of the memorandum will be provided to the Inspector General, the Deputy Inspector General, the Executive Assistant and appropriate Assistant Inspectors General. The memorandum normally is to be prepared within 2 working days of the hearing.

4.6. **Procedures Concerning Transcript Editing, Requests for Additional Information, and Questions for the Record.** The OCL will obtain the original transcript, requests for additional information and questions for the record from either the ASD(LA) or the appropriate congressional committee. The OCL will then provide those items to the lead OIG element responsible for correcting the transcript, providing the requested information and answering the questions. As in the case of testimony, the lead OIG element is responsible for coordinating all input prior to submitting it to the Inspector General for approval to release. The OCL will forward the input to the Inspector General for approval. After Inspector General approval, the OCL will obtain security review clearance for the transcript from the ATSD(PA), all material for the record and the answers to the questions for the record. The OCL will return either the original or a copy of the transcript containing all editorial corrections, material for the record, and the answers to any questions for the record to the ASD(LA) or directly to the requesting committee. The OCL will retain a copy of the complete transcript package and all backup material.

## **CHAPTER 5**

### **PREPARING AND SUBMITTING COMMENTS ON ENROLLED BILLS, DRAFT EXECUTIVE ORDERS, PROPOSED LEGISLATION AND RELATED MATERIAL**

5.1. **Purpose.** Establish policy, responsibilities and procedures for receiving, reviewing and commenting on enrolled bills, draft executive orders, proposed legislation and related material, including legislative appeals to the Congress.

5.2. **Policy.** The Inspector General Act of 1978, as amended, requires that the Inspector General review existing and proposed legislation relating to the programs and operations of the Department of Defense and make recommendations in the Semiannual Report to the Congress concerning the impact of such legislation on the economy and efficiency of the administration of programs and operations financed by the Department or the detection and prevention of fraud and abuse in such programs and operations.

#### **5.3. Responsibilities**

a. The Office of Congressional Liaison (OCL) is responsible for distributing any proposed legislation received from the Legislative Reference Service (LRS). In cases where the OIG is designated as information only, the OCL is responsible for reviewing the proposed legislation to ascertain whether the OIG may wish to provide comments. The OCL is also responsible for distributing requests from a congressional committee or the Office of the Comptroller, DoD, to provide comments on authorization and appropriation legislation. The OIG elements provided the legislation are, in turn, responsible for reviewing the proposed legislation and providing those comments to the OCL within prescribed timeframes. The OCL is responsible for consolidating a response from the inputs of the OIG elements and providing the proposed consolidated response to the LRS, the Office of the Comptroller, DoD, or the relevant congressional committees, as appropriate, under the signature of the Inspector General.

b. The OIG elements will provide comments on enrolled bills, draft executive orders, proposed legislation and related material in a timely manner. Frequently, very little time is available for responding to requests--the time available may be as short as 1 or 2 hours. Accordingly, the OIG elements will give the highest priority to commenting on requests within the prescribed timeframes. Although the majority of the items for comment will be proposed legislation and the drafts of agency positions on them, the procedures in this chapter are also applicable to draft executive orders and enrolled bills--legislation passed by Congress and awaiting presidential action.

#### **5.4. Receipt and Tasking of Legislation**

a. When a request for comment on a legislation-related matter is received by the OCL, it will be analyzed as to possible impact on the operation and mission

of the OIG. Copies of the analysis and the legislation will be provided by the OCL to the appropriate Assistant Inspectors General for comments.

b. Comments by the Assistant Inspectors General shall recommend a position and provide supporting rationale. The position may be "in favor of," "concur with changes," "opposed to," "no objection" or "no comment." The OCL will consolidate the comments by the Assistant Inspectors General in preparing the IG position and coordinate the position with the Deputy General Counsel (Inspector General). The proposed position, together with necessary supporting material and rationale, will be forwarded to the Inspector General for signature. With regard to DoD positions on authorization and appropriation legislation, the Comptroller is responsible for reviewing and consolidating the input from the IG with inputs from other DoD components and providing the consolidated DoD position, after approval from the Office of Management and Budget, to the congressional committees. Concerning legislation other than authorization and appropriation, the LRS is responsible for consolidating the input from the IG with inputs from other DoD components and providing the consolidated DoD position on the proposed legislation to the Office of Management and Budget under the signature of the General Counsel, DoD.

c. In cases where the Inspector General has been requested to prepare the DoD position, all comments, including those of "no objection," will be in writing. The written comments in such cases will state the proposed position of the DoD and the reasons for taking that position. The IG proposed position in that instance must be coordinated with the Deputy General Counsel (Inspector General).

d. The Inspector General is also provided information copies of proposed legislative comments prepared by other offices within the DoD and by other agencies. In those situations, the Inspector General is not asked officially to comment. Nevertheless, the OCL will review those reports and, when appropriate, provide the legislative report to appropriate OIG elements having an interest in issues raised by the report. Should the Inspector General, the Deputy Inspector General, or an Assistant Inspector General believe the OIG should comment on the item, the OCL will prepare and forward those comments following the same procedures as though OIG comments had been formally requested.

e. The deadlines for submitting comments on legislation are set by the OMB, the Chairmen of the Committees of Congress, the Director, LRS, or the Comptroller, DoD, in the case of legislative appeals on authorization and appropriation matters. In many cases, the deadlines are very short and may not be extended. In the event that comments cannot be provided within the time limits allowed, the OCL should be notified immediately. The OCL action officer will attempt to extend the deadline, and the offices responsible for providing input will be advised of the results.

## **APPENDIX A**

### **References**

- a. DoD Directive 5230.9, "Clearance of DoD Information for Public Release," April 2, 1982.
- b. DoD Directive 5400.4, "Provision of Information to Congress," January 30, 1978.
- c. DoD Directive 5500.1, "Preparation and Processing of Legislation, Executive Orders, Proclamations, and Report and Comments Thereon," May 20, 1964.
- d. DoD Instruction 5500.4, "Preparation and Processing of Legislation, Executive Orders, Proclamations, and Reports Thereon," September 20, 1961.
- e. Office of Management and Budget Circular A-19, "Legislative Coordination and Clearance," September 20, 1979.
- f. Executive Order 12625, "Integrity and Efficiency in Federal Programs," January 27, 1988.
- g. DoD Directive 5106.1, "Inspector General of the Department of Defense," March 14, 1983.
- h. DoD Directive 5122.5, "Assistant Secretary of Defense (Public Affairs)," August 4, 1988.
- i. DoD Directive 5142.1, "Assistant Secretary of Defense (Legislative Affairs)," July 2, 1982.